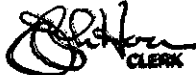


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
AUG 29 2007

CLERK

YANKTON SIOUX TRIBE, and its
individual members,

Plaintiffs,

vs.

CIV 02-4126

ORDER

UNITED STATES ARMY CORPS OF
ENGINEERS; THOMAS E. WHITE,
Secretary of the Army;
DOMINIC IZZO, Principal Deputy
Assistant Secretary of the Army for
Civil Works; ROBERT E. FLOWERS,
Chief of Engineers; CURT F.
UBBELOHDE, Omaha District
Commander and District Engineer;
THE UNITED STATES OF AMERICA;
THE STATE OF SOUTH DAKOTA;
JOHN COOPER, Secretary of the
Department of Game, Fish and Parks
for the State of South Dakota; and
JOHN DOES, Contractors,

Defendants.

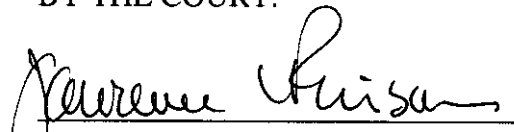
Pending before the Court is Plaintiffs' Motion to Conduct Discovery Out of Time, Doc. 315, in which Plaintiffs request permission to depose the Federal Defendants' expert witness, Mr. James Muhn, after the time for the completion of discovery. The Federal Defendants agree to the late deposition provided the Plaintiffs agree to pay Mr. Muhn's fees and mileage prior to taking his deposition, that the deposition take place in Denver, Colorado, and that the deposition be conducted when all parties and Mr. Muhn are available. After consideration of the Motion and the file in this matter,

IT IS ORDERED:

1. That the Plaintiffs' Motion to Conduct Discovery Out of Time, Doc. 315, is granted, and the deposition of James Muhn, the Federal Defendants' expert witness, may be taken after the discovery deadline.
2. That the Plaintiffs shall pay Mr. Muhn's fees and mileage prior to taking his deposition.
3. That the deposition shall take place in Denver, Colorado.
4. That the deposition shall be conducted when all parties and Mr. Muhn are available.

Dated this 29th day of August, 2007.

BY THE COURT:


Lawrence L. Piersol
United States District Judge

ATTEST:
JOSEPH HAAS, CLERK

BY: Shelly Inargulid
DEPUTY